

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN RAPAPORT, RAPAPORT USA, and
INTERNET DIAMOND EXCHANGE, LLC,

CIVIL ACTION NO: 04 06626 (RJH)

Plaintiffs,

v.

IDEX ONLINE, LTD., IDEX ONLINE S.A.,
IDEX ONLINE ISRAEL, LTD., JOHN DOES
I-XX, and ROE CORPORATIONS I-XX,

Defendants.

NOTICE OF FILING

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO DISMISS ITS TENTH
CLAIM FOR PATENT INFRINGEMENT AND
DEFENDANTS' CROSS MOTION FOR RULE 11 SANCTIONS**

Defendants, IDEX ONLINE, LTD., IDEX ONLINE S.A., IDEX ONLINE ISRAEL, LTD hereby give notice of filing their opposition to Plaintiffs', MARTIN RAPAPORT, RAPAPORT USA, and INTERNET DIAMOND EXCHANGE, LLC., motion to dismiss Patent Infringement **Count 10** and give notice of filing Defendants' cross motion for Rule 11 sanctions against Plaintiffs, MARTIN RAPAPORT, RAPAPORT USA, and INTERNET DIAMOND EXCHANGE, LLC., and their counsel for failure to conduct an adequate pre-filing investigation of patent infringement.

Dated: October 17, 2007

Respectfully submitted,

By: /s/ Robert Kain

Robert C. Kain, Jr., Esq. (RK 7454)

Florida Bar No. 266760

RKain@FocusOnIP.com

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.
750 Southeast 3rd Avenue, Suite 100
Fort Lauderdale, Florida 33316
Telephone: (954) 768-9002
Facsimile: (954) 768-0158
Counsel for Defendants

cc: Esther S. Trakinski, Esq.
752 West End Avenue
New York, New York 10025
Telephone: 917-748-1543
Co-Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true accurate and correct copy of the foregoing was served via email on Oct. 17, 2007 on all counsel or parties of record on the attached service list.

/s/ Robert Kain
Robert C. Kain, Jr.

Service List:

Ronald D. Coleman, Esq.
Bragar Wexler & Eagle, P.C.
885 Third Avenue
Suite 3040
New York, NY 10022
Tel: (212) 308-5858
Counsel for Plaintiffs

cc: Michael Charish
Co-counsel for Plaintiffs

F:\RCK\CLIENTS\Angel\Rapaport-v-Index\notice-file-motion-dismiss-pat-claims-cross.wpd